



Indiana Judicial Nominating Commission
30 South Meridian Street
Suite 500
Indianapolis, IN 46204
(317) 232-4706

APPLICATION
FOR THE
INDIANA SUPREME COURT

(SEE INSTRUCTIONS)

Deadline – Wednesday, June 30, 2010

I. Provide your:

A. Full legal name and any former names.

Allen Neal Wheat

B. Current home and office addresses, including email addresses and telephone numbers.

Home Address

Office Address

Courthouse

55 South Public Square

Angola, IN 46703

(260) 668-1000 ext. 2020

C. Date and place of birth.

December 10, 1949

Indianapolis, Indiana

D. Complete a State Police release form printed on green paper. Include the release only with the original application and not with the copies.

II. Attach a recent photograph of you to the front of the original application and to each copy of your application.

- III. A. State in what county you currently reside and since what date.

Steuben County, Indiana
September 1, 1984 to present

- B. List all previous counties of residence, with dates.

Marion County, Indiana
December 10, 1949 to August 31, 1984

- C. When were you admitted to the Indiana Bar?

1976

- D. Are you currently on active status?

Yes

- E. What is your attorney number?

1198-76

- IV. A. List below all colleges and universities you attended other than law schools. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree or Certificate</u>
Indiana University	1967-1971	B.S. Business Mgmt.

- B. List below all law schools and post-J.D. programs attended. Attach a certified transcript from each to the original application and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it before copying.)

<u>School</u>	<u>Dates Enrolled</u>	<u>Degree and Class Rank</u>
Indiana University	1971 and 1973-76	J.D. magna cum laude

C. Describe any academic honors, awards, and scholarships you received and when.

B.S. Degree (Business Management) was awarded "with distinction."

J.D. Degree (Juris Doctor) was awarded "magna cum laude."

Upon completion of my J.D. Degree, I was awarded the "Wall Street Journal Student Achievement Award."

In 2008 I was presented with the "Outstanding Judge Award" by the Young Lawyers Section of the Indiana State Bar Association.

V. A. Provide your employment history since graduation from college, including titles or positions, locations, and dates.

U.S. Army
1971-1973
E-4 Rank
Japan

Law Clerk
Hon. Joe W. Lowdermik
Indiana Court of Appeals
1976-1977

Wheat & Wheat
Attorneys at Law
2 West Washington Street
Indianapolis, IN
1977-1984

Deputy Prosecuting Attorney
Steuben County, Indiana
1984-1986

Wheat & Stout
Attorneys at Law
118 W. Maumee Street
Angola, IN 46703
1986-1994

Judge, Steuben Circuit Court
January 1, 1995 to present

B. If applicable, describe the nature and extent of your practice of law, present and former, and provide the names of your partners, associates, office mates, and employers.

My private practice consisted of the general practice of law with an emphasis on business, real estate, probate, and criminal law.

When practicing in Indianapolis, I practiced with my wife, Latriealle Wheat.

When practicing in northeastern Indiana, I practiced with Allen R. Stout, under the firm name Wheat & Stout; Mr. Danny L. Williams and Mr. Anthony L. Kraus were employed as associates in the firm.

C. Describe the extent of your jury experience, if any.

In private practice, or as a deputy prosecuting attorney, I was first or second chair counsel in five jury trials.

D. If applicable, describe the nature and extent of your judicial experience, including a description of your experience presiding over jury trials, if any.

I commenced serving as judge on January 1, 1995. During my 15 years on the bench, I have presided over a civil, criminal, family, probate, mental health, and juvenile docket. During this time, I have presided over 64 jury trials.

My judicial experience has been greatly enhanced by:

1. Completing the Indiana Judicial College in 2001.
2. Completing the Graduate Program for Judges in 1999.
3. Completing the Judicial College Masters Program in 2009.

VI. A. If applicable, list by caption, case number, and filing date up to five of your trial or appellate briefs and/or written judicial opinions.

1. Steuben Lakes Regional Waste District v. Bledsoe's, Inc. et al.
76C01-0603-CC-101
May 24, 2010
2. Gunkel et al. v. Renovations, Inc. et al.
76C01-0010-CT-754
May 12, 2006

3. Terrace Garden Association, Inc. v. Lantz et al.
76C01-0710-MI-381
April 2, 2010
4. In the Matter of the Objection to Ordinance No. 2009-12-01-02 Adopted
By Town Council of Town of Wolcottville, Indiana
44C01-0912-MI-040
February 11, 2010
5. Oliver Lake Resort Cooperative, Inc. et al. v. LaGrange County BZA
44D01-0802-PL-001
March 3, 2009

B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, by date, and by subject matter.

Drafted the local rules for the Steuben Circuit and Superior Courts. These are located on the Supreme Court website.

C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.

Prepared written materials for an ICLEF seminar entitled "An Evening with the Judges" presented on June 13, 2001. My contribution consisted of preparing a chapter of the manual titled "Let's Talk." In my article I attempted, in a quasi-humorous manner, to explain how to be prepared to try a lawsuit in the Steuben Circuit Court.

D. Include with your application copies of any four of the written materials listed above in Section VI. A., B., and C.

Copies Attached

E. Describe the nature and extent of any *pro bono* legal services you have contributed.

NONE

F. Identify the five most significant legal matters entrusted to you whether as a judge or lawyer, and describe why you believe them to be so.

1. The entirety of my JD and CHINS dockets. These young people, along with their parents, come before me with a vast array of social,

family, economic, educational, and mental health problems that oftentimes I have but a very narrow window of opportunity to put forth my best efforts to remedy. If I fail this child, there exists a real possibility that the child will again appear before me, but this time on my adult criminal docket.

2. In the matter of Assignment of Courtrooms, Judges' Offices, and other Court Facilities of the St. Joseph Superior Court.
Cause No. 71 S 00-9808-SJ-463

This case was significant because it pitted the power of the St. Joseph County Commissioners to allocate space within the Courthouse as they thought appropriate against the mandate power of the St. Joseph Superior Court Judges who viewed the decision made by the County Commissioners regarding as to how the disputed space could best be utilized as preventing the most efficient operation of the St. Joseph Superior Courts.

3. Steuben Lakes Regional Waste District v. Bledoe's, Inc. et al.
Cause No. 76C01-0603-CC-101

This case was significant because it addressed the issue of whether a municipal sewer district could assess fees to a customer prior to the customer having connected to the sewer system and, if so, what kind of fees could be assessed prior to connection. Debt service fees can be collected pre-connection. User fees cannot be collected pre-connection. Prior to this case many municipal sewer districts had been collecting both kinds of fees from hundreds of users pre-connection.

4. State v. Corcoran
Cause No. 76C01-9208-CF-051

First, I must emphasize this case was prepared and tried jointly with my law partner, Mr. Allen R. Stout. This case was significant (1) because our client was charged with the brutal murder of his parents, (2) because of the tremendous publicity generated in our small community making it very challenging to select an unbiased jury and (3) because of the necessity of becoming acquainted with the science involved in the case.

Defendant asserted an alibi defense. Time of death was critical to Defendant's case. If the State's pathologist was believed regarding time of death, the Defendant would have been placed at the scene of the crimes when death occurred. If Defendant's pathologist was believed, the Defendant could not be placed at the scene of the crimes when death occurred. Defendant was found not guilty.

5. Steuben Circuit Court v. Steuben County Council
Cause No. 76C01-9412-MI-686

Just prior to my assuming office, my predecessor commenced a mandate action. The purpose was to provide necessary security for the Courthouse following a bomb threat. I inherited this case, and through negotiations with all interested parties, resolved it without the necessity of a trial.

Courthouse security has been in place in Steuben County since approximately September 1995.

G. Provide the names, addresses, and telephone numbers of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court.

Mr. Dane L. Tubergen
Hunt, Suedhoff & Kalamaros, LLP
803 S. Calhoun Street, Suite 900
Fort Wayne, IN 46858
(260) 423-1311

Mr. David K. Hawk
Hawk, Haynie, Kammeyer & Chickedantz, LLP
162 E. Berry Street
Fort Wayne, IN 46802
(260) 422-1515

Mr. Hugh N. Taylor
121 W. 7th Street
Auburn, IN 46706
(260) 925-1542

VII. A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice.

1. I am regularly invited to speak in area high schools and civic organizations about the "rule of law" and its role in our democracy. Also, students visit the Steuben Circuit Court providing me the opportunity to answer their questions about courtroom procedure.

2. My jury trials are always concluded by permitting jurors to ask questions of counsel, staff and myself about the judicial branch of government. Jurors are also

encouraged to critique the performance of counsel, staff and myself. Although sometimes slightly painful, this exercise serves as a valuable learning experience for all of us, and will help us better perform our jobs in the future.

3. For the past eight years, I have been invited by Professor James H. Seckinger, Notre Dame Law School, to participate in his trial advocacy course as a visiting judge.

4. I am a strong supporter of our local CASA and CAVA programs.

The voices of children historically have gone unheard in our courtrooms. Northeastern Indiana CASA was formed to help eliminate this problem through the recruitment of volunteer child advocates, who following intensive training, speak to the court on behalf of the child involved in the case. I have previously served on its board of directors.

Our CAVA program was created to provide advice and legal assistance to those who find themselves victims of spousal abuse. In Steuben County, the primary mission of CAVA has been expanded to encompass providing a venue where children can be safely exchanged between parents, and where supervised parenting time can safely occur when ordered by the court.

5. I assisted in the creation of the Steuben County Youth Improvement Program. When I first went on the bench, and a child was suspended from school long term, I was presented with but two options: (1) place the child in a shelter care facility in order to continue his or her education (at no small cost to the taxpayer), or (2) permit the child to sit at home and talk on the telephone and text his friends. For some inexplicable reason, I never selected the latter of these two options.

Our YIP Program is staffed with an accredited teacher and support personnel. Area schools provide daily lesson plans for each student in the program. This permits the students to continue on track with their education; remain highly monitored while still living at home; and, all the while, saves taxpayer dollars. Carma Reeves, our YIP director, recently advised State Senator Dennis Kruse and myself, while touring the facility within which our YIP program is conducted, that since the inception of our full time YIP day program, assuming a cost of \$175.00 per day for out of home placements, there has been a cost savings in excess of \$1,000,000.00.

6. I assisted in the creation of the Steuben County Community Corrections Program. I sit on its board of directors.

Community Corrections provides to Steuben County judges the sentencing alternative, for lesser criminal offenses, of permitting Defendant to remain at

home, maintain employment, and continue to assist with the care and support of his or her family. While this is occurring, the Defendant is constantly being monitored through GPS satellite tracking equipment paid for by the Defendant.

7. I have served on the board of directors of the Steuben County Educational Opportunity Center whose purpose is to provide students, not excelling in the traditional high school learning environment, with an alternative classroom setting. These students complete the same course work as their peers; are taught by accredited teachers; receive the identical diploma; and participate in the same graduation ceremony as their peers if they so desire.

8. I assisted in the establishment of the Steuben County Public Defender Board. The purpose of the Board is to provide competent counsel to qualifying Defendants, and to permit Steuben County to be reimbursed by the State for a portion of the costs associated therewith. Defendant wins. Steuben County wins.

B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues.

Recently, I had the privilege of completing a project, with the assistance of Ball State University, designed to assist high school students become better prepared to perform one of their most important civic responsibilities-- to serve on a jury. With members of the local bar, Sheriff's Department, and community leaders all eager to assist, the DVD "Think B4 U Drive" was produced. The DVD, with accompanying written materials, realistically portrays all facets of a drunk driving trial from the initial consumption of alcohol in a local pub, law enforcement stop on county highway, arrest, booking at Sheriff's Department, and, of course, the entirety of the jury trial. The DVD is structured to be stopped by the teacher just before the case is turned over to the jury to commence their deliberations. This is to permit the class members to discuss whether they would return a guilty or not guilty verdict, thus learning how important and challenging it truly is to sit on a jury.

To date, this DVD has been distributed across Indiana to seventy school corporations for use in the classroom.

C. List any memberships and offices you have held in civic or charitable organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

NONE

D. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

Indiana State Bar Association
1976 to present

Indianapolis Bar Association
1976-1984

American Bar Association
1978 to present

American Association for Justice
1982 to present

American Judges Association
2000 to present

Indiana Council of Juvenile Court Judges
1995 to present

Indiana Judges Association
1995 to present

I have held no office in any of the above listed professional organizations. The organizations listed above have come into existence to foster the continued professional development of its members.

E. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

NONE

F. Indicate your experience teaching law, and provide the dates, names of institutions or programs, and a description of the subject matter taught.

University of Indianapolis f/k/a Indiana Central College
1981-1982 (2 Semesters)
Taught Business Law

Butler University
1982 (Summer Semester)
Taught Business Law

Notre Dame University Law School
2004 to present

At the invitation of Professor James H. Seckinger, as part of his trial advocacy program, I preside over mock trials each year conducted by third year students. After conclusion of each trial, I discuss with the students how they might improve upon their trial skills as they prepare to enter the legal profession.

G. Describe your hobbies and other leisure activities.

My hobbies consist of taking leisurely drives with my wife, gardening, and dreaming of some day having a grandchild to spoil.

VIII. A. Provide names, addresses, and telephone numbers of three professional references other than those listed in Section VI. G.

Hon. J. Scott VanDerbeck
Judge, LaGrange Circuit Court
105 N. Detroit Street
LaGrange, IN 46761
(260) 499-6448

Hon. Kevin P. Wallace
Judge, DeKalb Superior Court 1
100 S. Main Street
Auburn, IN 46706
(260) 925-4723

Hon. Michael J. Kramer
Judge, Noble Superior Court 2
101 N. Orange Street
Albion, IN 46701
(260) 636-2129

B. Provide names, addresses, and telephone numbers of three personal references other than those listed in VI. G.

Mrs. Ann Rice, Principal
Angola Middle School
1350 E. Maumee Street
Angola, IN 46703
(260) 665-9581

Mr. William L. Booth, Chairperson
Steuben County Council
5555 N. St. Rd. 327
Orland, IN 46776
(260) 316-4904

Mr. George W. Gilbert, President
First Federal Savings Bank of Angola
212 E. Maumee Street
Angola, IN 46703
(260) 665-7556

C. List any lawsuits or legal proceedings in any jurisdiction, including bankruptcies and dissolutions, to which you have been a party. Provide dates, case numbers, names of other parties, and, if needed, a brief explanation.

NONE

D. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

NONE

E. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide dates.

NONE

F. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number if applicable, and describe the circumstances and the nature of the outcome or resolution.

NONE

G. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

NONE

IX. A. Attach a recent statement from your physician describing your general physical condition.

B. Within the past three years, have you been diagnosed or treated for an emotional or mental condition or illness, including any condition that involves treatment for drug or alcohol use? If so, provide the dates of assessment and/or treatment and the names and addresses of your doctors or other treatment providers.

C. Are you able to perform the essential functions of Justice on the Indiana Supreme Court, with or without accommodation?

YES

6 - 25 - 10
DATE

Allen N. Wheat
APPLICANT'S SIGNATURE

Allen N. Wheat
PRINTED NAME

WAIVER AND STATEMENT OF CONSENT

The undersigned applicant authorizes the release to the Indiana Judicial Nominating Commission or its staff or agents any records, reports, and documents, whether or not otherwise confidential, which may be requested by the Commission in the performance of its evaluations of candidates pursuant to I.C. § 33-27-3-2. The scope of this authorization extends to, but is not necessarily limited to, requests from the Commission for Federal, State or local tax records, criminal and driving histories from any jurisdiction, attorney and judicial disciplinary records from any jurisdiction, whether pending or closed, and credit reports and histories. The undersigned releases and discharges the Judicial Nominating Commission, its individual members, its employees, agents and representatives, the Indiana State Police, the Indiana Department of Revenue, the Indiana Supreme Court Disciplinary Commission and any other agency or person or their agents or representatives providing information to the Commission from any and all liability arising from the furnishing and use of information concerning the undersigned applicant.

The undersigned agrees and understands that the Indiana Judicial Nominating Commission or its members, agents, or employees, may interview or otherwise consult with members of the legal, judicial, and general community concerning the professional qualifications and the integrity of the applicant, that the name of the applicant will be released by the Commission upon its receipt of the application and this waiver, and that if, pursuant to I.C. § 33-27-3-2(d), the applicant is given further consideration as a candidate after the Commission's initial screening of candidates, or if no such screening occurs and all applicants are considered, the application will be made public. This waiver does not constitute an election by the applicant pursuant to I.C. § 33-27-3-2(g)(3)(C) to authorize the release of investigatory records which are excepted from public inspection pursuant to I.C. § 33-27-3-2(g)(1) and (2).

The undersigned agrees to immediately supplement this application upon any event or circumstance substantially affecting any answer provided in the application.

The undersigned acknowledges having read the Instructions attached to the application.

The undersigned agrees to resign from office or membership in any political organization upon submission of this application.

The undersigned affirms that, if nominated by the Judicial Nominating Commission to the Governor and thereafter appointed to this judicial office, the candidate will accept the appointment.

6 - 25 - 10
DATE

Allen N. Wheat
APPLICANT'S SIGNATURE

Allen N. Wheat
PRINTED NAME